

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PETER M. BERNEGGER,

Plaintiff,

v.

Case No. 08-C-156

ROLAND BANKS, JR.,

Defendant.

ORDER

Plaintiff Peter M. Bernegger has brought an action against Defendant Roland Banks, Jr. alleging that Banks has engaged in defamation, breached a confidentiality agreement between the parties, and violated the Federal Privacy Act. In addition to his complaint, Bernegger has filed a motion for leave to proceed in forma pauperis along with his declaration of assets and income. From these filings, however, it appears that Mr. Bernegger is not indigent. Generally speaking, in forma pauperis status is reserved for those plaintiffs who are incarcerated or who have almost no means at their disposal. See 28 U.S.C. § 1915. Here, Mr. Bernegger indicates that he owns a house, two cars, and is employed, with a monthly income of \$6,350. In addition, he states that he owns valuable artwork, and has over \$10,000 in checking, savings, or similar accounts. According to Bernegger, his spouse is also employed, with a monthly income of \$1,400. Although Bernegger states he “in Chapter 13 bankruptcy,” he indicates that his total monthly expenses amount to only \$5,000, and provides the court no further information concerning his obligations relative to his bankruptcy. Therefore, Bernegger will be given 21 days within which to either supplement his

affidavit to establish his indigence, or pay the \$350 filing fee. If he fails to do so, the case will be dismissed without prejudice.

IT IS THEREFORE ORDERED that plaintiff's motion for leave to proceed in forma pauperis is hereby **DENIED**. If plaintiff fails to either establish his indigence or pay the filing fee within 21 days of the date of this order, the case will be dismissed without prejudice.

Dated this 22nd day of February, 2008.

s/ William C. Griesbach

WILLIAM C. GRIESBACH
United States District Judge